

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 150, "Purchase of Service," Iowa Administrative Code.

The proposed amendments:

- Change Department practice to negotiate Iowa donation of funds contracts directly with the donors under the Accountable Government Act, Iowa Code chapter 8E, instead of using the current contract form and procedures. All requirements and restrictions previously outlined in rule will be conditions of the individual contracts.

- Eliminate the rule on the Provider Advisory Committee, as the committee no longer exists.

The Department rarely receives donated funds. For the past few years, funds have been donated only to Department facilities.

These amendments do not provide for waivers in specified situations because the contract provisions to be implemented are mandated by the Accountable Government Act, with no provision for exceptions.

Any interested person may make written comments on the proposed amendments on or before October 15, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6.

The following amendments are proposed.

ITEM 1. Amend Division I, title, in **441—Chapter 150**, as follows:

DIVISION I

~~CATEGORIES OF CONTRACTS, TERMS AND CONDITIONS FOR IOWA PURCHASE OF SOCIAL SERVICES AGENCY AND INDIVIDUAL CONTRACTS, IOWA PURCHASE OF ADMINISTRATIVE SUPPORT, AND IOWA DONATIONS OF FUNDS CONTRACT AND PROVISIONS FOR PROVIDER ADVISORY COMMITTEE AND PUBLIC ACCESS TO CONTRACTS~~

ITEM 2. Amend subrule 150.2(4) as follows:

150.2(4) Iowa donation of funds contract. ~~The Iowa donation of funds contract establishes the conditions under which a donor makes funds available to the department. This is generally for the purpose of matching state or federal funds for services or administrative support. The department may accept donated funds.~~

a. Upon mutual agreement regarding the scope and use of the funds to be donated, the department may negotiate and shall execute a contract between the department and the donor in accordance with department of administrative services rules in 11—Chapters 106 and 107. The contract shall contain specifications concerning amendment, termination, transmittal of funds, accounting, and reversion of unspent funds.

b. Except for restrictions permitted by the contract, all funds shall be donated on an unrestricted basis for use as if they were appropriated funds and shall be under the administrative control of the department. The donor may specify the geographic area to be served and the specific service to be provided. ~~The Iowa Donation of Funds Contract, Form 470-0629, shall be completed prior to the department's acceptance of the funds.~~

c. No funds donated and transmitted to the department will be returned to the donor unless specified in the contract.

ITEM 3. Rescind and reserve rules ~~441—150.7(234)~~~~441—150.8(234)~~.